

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JORGE HERNANDEZ RIVERA,)	
)	
Petitioner,)	
)	
v.)	1:19-cr-385-1
)	1:21-cv-456
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on November 3, 2021, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b), (Doc. 28). The Recommendation was served on the parties in this action on November 4, 2021. (Doc. 29.)

Petitioner responded by filing a pleading entitled, "Re: Objecting to Order/Case/File," (Doc. 30), which was docketed as an Objection to the Recommendation. The Magistrate Judge concluded that Petitioner sought reconsideration of the denial of his requests for transcripts and copies in that pleading, (see Doc. 33 at 1), and those issues were addressed by an order of the Magistrate Judge. (Id).

Subsequently, the Magistrate Judge issued a second Order, (Doc. 50), addressing Petitioner's remaining requests for documents, (see Doc. 42), and no objection was filed.

Here, with respect to the Objections, (Doc. 30), I have conducted a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 28), is **ADOPTED. IT IS FURTHER ORDERED** that this action be filed, and is hereby, **DISMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms. The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 1st day of March, 2024.


United States District Judge